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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,793	09/30/2003	Belle L. Chou	SHENW.CONT4	8350
24943	7590	07/14/2004	EXAMINER	
INTELLECTUAL PROPERTY LAW GROUP LLP 12 SOUTH FIRST STREET SUITE 1205 SAN JOSE, CA 95113			JOYNES, ROBERT M	
			ART UNIT	PAPER NUMBER
			1615	

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/676,793

Applicant(s)

CHOU, BELLE L.

Examiner

Robert M. Joynes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>September 30, 2003</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-8 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 8-11 of U.S. Patent No. 6,274,154. Although the conflicting claims are not identical, they are not patentably distinct from each other. U.S. Patent No. 6,274,154 claims a method of manufacturing a disposable glove wherein a glove is cleaned with a

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chlorine solution, turned inside out, a solution of Aloe Vera in water is applied and drying the glove to remove the water (See Claims 8-11). The instant claims are obvious over the claims U.S. Patent No. 6,274,154 because they recite the same limitations of reference patent.

Claims 4-7 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-38 of U.S. Patent No. 6,423,328. Although the conflicting claims are not identical, they are not patentably distinct from each other. U.S. Patent No. 6,423,328 claims an article for protecting the hand comprising a non-porous glove wherein a layer of dehydrated Aloe Vera is coated onto the inside surface of the glove. The glove is made from a natural latex rubber. The coating has no detectable oil-based substances. Aloe is known as a skin-soothing or moisturizing substance. It would have been obvious to prepare an article to protect the skin that had skin-soothing or moisturizing properties. Therefore, the instant claims are obvious over the claims of U.S. Patent No. 6,423,328 because they recite the same limitations of the reference.

Claims 1-3 and 8 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of U.S. Patent No. 6,630,152. Although the conflicting claims are not identical, they are not patentably distinct from each other. U.S. Patent No. 6,630,152 claims a method of manufacturing a disposable glove wherein a glove is formed, a solution of Aloe Vera in water is applied and drying the glove to remove the water as well as a product formed by this method. Therefore, the instant claims are

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obvious over the claims of U.S. Patent No. 6,630,152 because they recite the same limitations of the reference.

Claims 1-3 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of U.S. Patent No. 6,692,756. Although the conflicting claims are not identical, they are not patentably distinct from each other. U.S. Patent No. 6,692,756 claims a method of manufacturing a disposable glove wherein a glove is formed, a solution of Aloe Vera in water is applied and drying the glove to remove the water. Therefore, the instant claims are obvious over the claims of U.S. Patent No. 6,630,152 because they recite the same limitations of the reference.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Modak et al. (US 5133090). Modak teaches a glove that is coated on the interior surface (the surface facing the skin) with a composition comprising chlorhexidine and a lubricating agent (Col. 2, lines 5-22). The glove is made of latex rubber (Col. 2, lines 30-35). The inner coating is incorporated into the glove either before or after the curing step (Col. 2, lines 36-45). The lubricating agent is zinc oxide, hydroxycellulose or corn starch (Col. 2, lines 51-63). The inner coating

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also has polyurethanes or silicones incorporated into the coating (Col. 2, lines 64-68). After formation of the gloves by dipping a mold in latex, the inner coating is formed by dipping the formed glove in a slurry of chlorhexidine and the lubricating agent, followed by drying (Col. 4, lines 46 – Col. 5, lines 22). Modak teaches all the limitations of instant Claims 1-8 and therefore anticipates said claims.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Wollmann, et al. (US 3662054). Wollman teaches providing a coating of salicylic acid on the inner surface of a latex glove (Col. 1, line 15 – Col. 2, line 48). Wollmann teaches all the limitations of instant Claims 1-8 and therefore anticipates said claims.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Joynes whose telephone number is (571) 272-0597. The examiner can normally be reached on Mon.-Thurs. 8:30 - 6:00, alternate Fri. 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman K. Page can be reached on (571) 272-0602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert M. Joynes
Patent Examiner
Art Unit 1615

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SUPERVISORY PATENT EXAMINER
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